

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



Attorney's Docket No: C1039.70083US05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.
Serial No.: 10/789,536
Confirmation No.: 9640
Filed: February 26, 2004
For: IMMUNOMODULATORY OLIGONUCLEOTIDES
Examiner: Not yet assigned
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 19 day of April, 2004.

Helen C. Lockhart

Office of Initial Patent Examination's
Filing Receipt Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith are the following document(s):

- Request for Correction of Filing Receipt;
- Copy of Filing Receipt with corrections in red ink;
- Copy of previously submitted Application Data Sheet, Postcard and Express Mail Label;
- Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

Respectfully submitted,

Helen C. Lockhart, Reg. No. 39,248
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Tel: (617) 720-3500

Attorney Docket No.: C1039.70083US05
Date: April 19, 2004
xNDDx

786510



Attorney's Docket No: C1039.70083US05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.
Serial No.: 10/789,536
Confirmation No.: 9640
Filed: February 26, 2004
For: IMMUNOMODULATORY OLIGONUCLEOTIDES

Examiner: Not yet assigned
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Office of Initial Patent Examination's Filing Receipt Corrections, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 19 day of April, 2004.

Helen C. Lockhart

Office of Initial Patent Examination's
Filing Receipt Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

Applicants request that the following information be corrected on the Filing Receipt dated April 13, 2004:

Please correct under the heading "**Domestic Priority data as claimed by applicant**", the the following:

This application is a CON of 09/415,142 10/08/1999 to
This application is a CON of 09/415,142 10/09/1999

The Filing receipt indicates that the "data provided by applicant is not consistent with PTO records". However, after reviewing the Application Data Sheet originally filed with the application (copy provided), we have determined that the correct information was provided and that the error, in fact, is on part of the PTO.

Applicants respectfully request that the above-noted change be made, as also appearing in red on the attached Filing Receipt.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 23-2825. A duplicate of this sheet is enclosed. If you have any questions, please do not hesitate to call the undersigned at (617) 720-3500.

Respectfully submitted,

By: 
Helen C. Lockhart, Reg. No. 39,248

Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Telephone: (617) 720-3500

Docket No.: C1039.70083US05

Date: April 19, 2004

xNDDx

HCL



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/789,536	02/26/2004	1645	770	C1039.70083US05		20	1

Helen C. Lockhart, Ph.D.
 Wolf, Greenfield & Sacks, P.C.
 600 Atlantic Avenue
 Boston, MA 02210



CONFIRMATION NO. 9640
 FILING RECEIPT

OC000000012342729

Date Mailed: 04/13/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Arthur M. Krieg, Wellesley, MA;
 Dennis Klinman, Potomac, MD;
 Alfred D. Steinberg, Potomac, MD;

Assignment For Published Patent Application

University of Iowa Research Foundation, Iowa City, IA;
 Coley Pharmaceutical Group, Inc., Wellesley, MA;
 The USA, as represented by the Secretary, Department of Health and Human Services,
 Bethesda, MD;

Domestic Priority data as claimed by applicant

This application is a CON of 10/690,495 10/21/2003
 which is a CON of 09/415,142 10/08/1999 10/09/1999
 which is a DIV of 08/386,063 02/07/1995 PAT 6,194,388
 which is a CIP of 08/276,358 07/15/1994 ABN
 (*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 04/13/2004

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

C1039.70083US05

Initials	
Confirmation	<input type="checkbox"/>
Docketing	<input checked="" type="checkbox"/> HCL
02/26/05 (2)-afe	
05/26/05	
05/13/04	

HCL

DOCKETED
 APR 16 2004

Early Publication Request: No

Title

Immunomodulatory oligonucleotides

Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Attorney Docket No. C1039.70083US05
Express Mail Label No. EV 292460275 US
Date of Deposit: February 26, 2004

APPLICATION DATA SHEET FORM

Inventor Information

Inventor One Given Name:: Arthur M.
Family Name:: Krieg
Postal Address Line One:: 173 Winding River Road
City:: Wellesley
State or Province:: MA
Country:: United States of America
Postal or Zip Code:: 02482
City of Residence:: Wellesley
State or Province of Residence:: Massachusetts
Country of Residence:: United States of America
Citizenship Country:: United States of America

Inventor Two Given Name:: Dennis
Family Name:: Klinman
Postal Address Line One:: 2 Candlelight Court
City:: Potomac
State or Province:: Maryland
Country:: United States of America
Postal or Zip Code:: 20854
City of Residence:: Potomac
State or Province of Residence:: Maryland
Country of Residence:: United States of America
Citizenship Country:: United States of America

Inventor One Given Name:: Alfred D.
Family Name:: Steinberg
Postal Address Line One:: 8814 Bells Mill Road
City:: Potomac
State or Province:: Maryland
Country:: United States of America
Postal or Zip Code:: 20854
City of Residence:: Potomac
State or Province of Residence:: Maryland
Country of Residence:: United States of America
Citizenship Country:: United States of America

Correspondence Information

Name Line One:: Helen C. Lockhart, Ph.D.
Name Line Two:: Wolf, Greenfield & Sacks, P.C.
Address Line One: 600 Atlantic Avenue
City:: Boston
State or Province:: MA
Country:: U.S.A.
Postal or Zip Code:: 02210
Telephone One:: (617) 720-3500
Telephone Two:: (617) 573-7859
Fax Number: (617) 720-2441
Electronic Mail:: hlockhart@wolfgreenfield.com

Application Information

Title Line One:: IMMUNOMODULATORY
Title Line Two:: OLIGONUCLEOTIDES
Claims:: 17
Application Type:: Utility
Docket Number:: C1039.70083US05

Licensed US Govt. Agency:: National Institute of Health
Contract or Grant Numbers One:: R29-AR42556-01

Representative Information

Representative Customer Number:: 23628

Continuity Information

This application is a continuation of:

>Application One: 10/690,495
Filing Date: October 21, 2003

which is a continuation of:

>Application Two: 09/415,142
Filing Date: October 9, 1999

which is a divisional of:

>>Application Three: 08/386,063
Filing Date: February 7, 1995
Patent Number: 6,194,388 B1

which claims priority to a continuation-in-part:

>>Application Four: 08/276,358
Filing Date: July 15, 1994

which is abandoned.

Assignee Information:

Assignee name: University of Iowa Research Foundation
Street of mailing address: 214 Technology Innovation Center, Oakdale
Research Campus
City of mailing address: Iowa City
State or Province of mailing address: Iowa
Postal or Zip Code of mailing address: 52242

Assignee name: Coley Pharmaceutical Group, Inc.
Street of mailing address: 93 Worcester Street, Suite 101
City of mailing address: Wellesley
State or Province of mailing address: MA
Postal or Zip Code of mailing address: 02481

Assignee name: The United States of America, as represented
by the Secretary, Department of Health and
Human Services
Street of mailing address: FDA/CBER
City of mailing address: Building 29A, 3D10
State or Province of mailing address: Bethesda
Postal or Zip Code of mailing address: MD
20892

Wolf, Greenfield & Sacks, P.C.

PTLM Account
600 ATLANTIC AVENUE
Boston, MA 02210

CITIZENS BANK
MASSACHUSETTS

5-7017/24110

FILE

CHECK NO. 44 0018685

PAY Nine Hundred Thirty AND 00/100 DOLLARS

DATE	AMOUNT
February 26, 2004	\$ 930.00

TO THE Commissioner of Patents & Trademarks

ORDER
OF

CL U 3970083 24515

Patricia D. O'Brien
AUTHORIZED SIGNATURE

10018685 1211070175 1108202451



Serial No. TBD File No. 0103970083 USAS By: HCL:TMF

Title: IMMUNOMODULATORY OLIGONUCLEOTIDES

Application of KRIEG, ET AL WGS Date: _____

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

<input checked="" type="checkbox"/> Mailing by Express Mail (37 CFR 1.10) Express Mail Label No. <u>EN 292460375</u>	<input checked="" type="checkbox"/> Provisional Application Cover Sheet
<input checked="" type="checkbox"/> Patent Application	<input checked="" type="checkbox"/> Multiple Dependent Claim Fee Sheet
<input checked="" type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional incl. <u>42</u> pages, <u>(38</u> pgs) Specification, (<u>1</u> pgs) Abstract, (<u>3</u> pgs) Claims (<u>36</u> # claims)	<input checked="" type="checkbox"/> Inf. Discl. Statement, PTO Form 1449
<input checked="" type="checkbox"/> Design Patent Application	<input checked="" type="checkbox"/> References Cited
<input checked="" type="checkbox"/> Declaration(s) <u>PREVIOUSLY FILED</u>	<input checked="" type="checkbox"/> Priority Document(s) # _____
<input checked="" type="checkbox"/> Drawings _____ Sheet(s) (FIGS. _____) [<input type="checkbox"/>] Formal [<input type="checkbox"/>] Informal	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts
<input checked="" type="checkbox"/> Utility Patent Application Transmittal	<input checked="" type="checkbox"/> Amendment/Response <u>PRELIMINARY</u>
<input checked="" type="checkbox"/> Fee calculation sheet (x2)	<input checked="" type="checkbox"/> Petition for Ext. of Time (x2)
<input checked="" type="checkbox"/> CPA Transmittal	<input checked="" type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Verified Statement claiming small entity status	<input checked="" type="checkbox"/> Assignment and Coversheet
<input checked="" type="checkbox"/> Request for Approval and Entry of Formal Drawings	<input checked="" type="checkbox"/> Notice of Appeal
<input checked="" type="checkbox"/> Other <u>APPLICATION DATA SHEET, SEQUENCE LISTING, PAPER & CEF, STATEMENT UNDER 37 CFR 1.821(C)</u>	<input checked="" type="checkbox"/> Brief (x3) Check for \$ <u>930</u> Check # _____
	<input checked="" type="checkbox"/> Transmittal Letter (x2)
	<input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)

18685

DATE MAILED FEBRUARY 26, 2004



EV 292460275 US



Mailing Label



Post Office To Addressee

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In	Postage	
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	\$
Time In	Military	Return Receipt Fee
<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	
Weight	Int'l Alpha Country Code	COD Fee Insurance Fee
Ibs. OZS.		
No Delivery	Acceptance Clerk Initials	Total Postage & Fees
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		\$
CUSTOMER USE ONLY		
NAME ADDRESS CITY STATE ZIP METHOD OF PAYMENT		

CUSTOMER USE ONLY

METHOD OF PAYMENT:

FROM: (PLEASE PRINT) WOLF GREENFIELD & SACKS
PHONE (617 527-1000)
FEDERAL RESERVE PLAZA
600 ATLANTIC AVE.
BOSTON MA 02110

C1039,70083US05

HCL:tmf

PRESS HARD.
You are making 3 copies

**Federal Agency Acct. No. or
Postal Service Acct. No.**

PHONE ()

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 223

VA 22313-1450

Mail Stop Patent Application



PRESS HARD.
You are making 3 copies

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com

You are making 3 copies